

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 26 May 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GM Global Technology Operations, Inc.,
Junior Party
(Patent 7,459,065
Inventors: Nelson A. Kelly and Thomas L. Gibson),

v.

Thomas W. Oakes,
Senior Party
(Application 10/785,234).

Patent Interference No. 105,692 (RES)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count
4 and claims designated as corresponding or as not corresponding to the count appear in
5 Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961
(12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Richard E. Schafer has been designated to manage
3 the interference. 37 C.F.R. § 41.104(a).
4

5 **Part C. Standing order**

6 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
7 DECLARATION. The STANDING ORDER applies to this interference.
8

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for **4:30 p.m. on**
11 **July 16, 2009** (the Board will initiate the call).

12 No later than **two business days** prior to the conference call, each party shall
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. §§ 41.120 & 204;
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A time periods for taking action during the motion phase are set in an order
16 accompanying this declaration.
17

18 **Part E. Identification and order of the parties**

19 **Junior Party**

20 Named Inventors: Nelson A. Kelly, Sterling Heights, MI
21 Thomas L. Gibson, Utica, MI

22 Involved Patent: 7,459,065

23 Title: Hydrogen Generator Photovoltaic Electrolysis
24 Reactor System

25 Assignee: GM Global Technology Operations, Inc.

Senior Party

Named Inventor: Thomas W. Oakes, La Mesa, CA
Involved Application: 10/785,234
Title: System and Method for Generating Hydrogen Gas
Using Renewable Energy
Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 5 Oakes Application 10/785,234 or Claim 34 of GM Patent 7,459,065.

The claims of the parties:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35
Patent 7,459,065: Claims: 1-36

The claims of the parties corresponding to Count 1:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35
Patent 7,459,065: Claims: 1-30, 34-36

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference:

Application 10/785,234: Claims: None
Patent 7,459,065: Claims: 31-33

1 **The parties are accorded the following benefit for Count 1:**

2 Application 10/785,234: None

3 Patent 7,459,065: None

4
5 **Part G. Heading to be used on papers**

6 The following heading must be used on all papers filed in this interference.

7 SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

Address @

(@@@) @@@- @@@@ (telephone)

(@@@) @@@- @@@@ (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GM Global Technology Operations, Inc.,
Junior Party
(Patent 7,459,065
Inventors: Nelson A. Kelly and Thomas L. Gibson),

v.

Thomas W. Oakes,
Senior Party
(Application 10/785,234).

Patent Interference No. 105,692 (RES)
(Technology Center 1700)

TITLE OF PAPER

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 7,459,065
Copy of claims of Application 10/785,234

cc (via overnight delivery):

Counsel for General Motors Technology Operations, Inc.:
Kathryn Marra, Esq.
300 Renaissance Center
Legal Staff-Intellectual Property
Mail Code 482-C23-B21
Detroit, MI 48265-3000

Counsel for Oakes:
William J. Kolegraff
3119 Tumberry Way
Jamul, CA 91935